

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES

v.

11-CR-06-JL

BRIAN MAHONEY

DEFENDANT'S ASSENTED TO MOTION  
TO REDACT THE PUBLICLY AVAILABLE  
TRANSCRIPT OF FEBRUARY 13, 2013

Defendant Brian Mahoney moves this court, pursuant to Supplemental Local Rule 4.2(c)<sup>1</sup>, to redact the publicly available transcript of the competency restoration hearing held on February 13, 2013 by blocking public access to the last name of the alleged victim of a 1983 sexual assault.

On page 113 of the transcript, reference was made to defendant Brian Mahoney's alleged conviction in the Commonwealth of Massachusetts in 1983 for assault with intent to rape. The alleged victim's full name appears in the transcript. The transcript suggests that she was at most 17 years old at the time of the offense.

This identity of this alleged victim was not relevant to the issues before the court and the passing reference to her last name had no probative value. Therefore, if her last name is redacted from the public record it would not detract in the slightest from the public's ability to access these court proceedings. However, in this day, when a publicly available transcript can travel around the world in seconds, it could prove embarrassing or worse for the victim.

On April 10, 2013, undersigned counsel corresponded by email with AUSA Arnold Huftalen who indicated that the government assents to the relief requested in this motion.

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<sup>1</sup>The reference is to Local Rules, Appendix, Supplemental Rules For Electronic Case Filing, Rule 4.2(c).

By filing this motion, undersigned counsel does not stipulate to any fact relating to the 1983 Massachusetts proceeding. Therefore, nothing in this motion should be viewed as an evidentiary admission should the instant case ever go to trial.

WHEREFORE, defendant requests this court to approve this motion.

Respectfully Submitted,

Brian Mahoney,

/s/ Andrew R. Schulman  
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CERTIFICATE OF SERVICE

I, Andrew R. Schulman, hereby certify that I have served a copy of this motion on all counsel of record via the court's ECF facilities on April 11, 2013.

/s/ Andrew R. Schulman